



State's Attorney for Baltimore County

SCOTT D. SHELLENBERGER

ROBIN S. COFFIN
DEPUTY
JOHN P. COX
DEPUTY

COUNTY COURTS BUILDING
401 BOSLEY AVENUE, ROOM 511
TOWSON, MARYLAND 21204-4420

410-887-6600
FAX: 410-887-6646
MRS: 800-735-2258

April 7, 2021

Re: SB 494

Governor Larry Hogan, Jr.

Dear Governor Hogan,

I am respectfully requesting a veto of Senate Bill 494.

A law passed in the State Legislature this year that will make Maryland less safe. Violent criminals will get a chance for early release and future criminals will get a break on how long they remain behind bars.

In 2013, when I last testified in trying to keep the death penalty for the most heinous crimes, I started my testimony stating, "Mark my words. If you get rid of the death penalty, the assault will begin on life without parole." The death penalty is gone, I get it, and now as I predicted, life without parole is under assault. And once life without parole goes, next it will be life. One bill that is moving forward is to get rid of any possibility of life without parole for juveniles convicted of first-degree murder.

Senate Bill 494 bans Judges going forward from sentencing juveniles to life without parole when they have been convicted of first-degree murder. Senate Bill 494 also gives all

juveniles convicted as adults a hearing on reducing their sentence once they have served 20 years. They will be allowed to do this every three years that is at least three hearings that may be held. The victims and their families in those cases will have to face their tragedies again and again.

How will Senate Bill 494 affect the family of slain Officer Amy Caprio?

On May 21, 2018, Officer Amy Caprio died a terrible death in Baltimore County while trying to protect the citizens of this State from those choosing to invade homes. Officer Caprio was intentionally run over by a stolen Jeep driven by Dawnta Harris who was acting as the lookout and getaway driver for three others who were committing their third burglary that day. Her death was recorded on her Body Worn Camera and played at trial while her heartbroken family watched the trial. Her family is devoted to seeing through this process despite the immense pain it causes. Her killer was sentenced to life in prison. The other three were sentenced to 30 years.

In 2033 there will be four parole hearings (life gets parole hearing in 15, 30 years has to do half time so 15).

Senate Bill 494 becomes law three modification of sentences 20 years out:

2038 x 4
2041 x 4
2044 x 1

That is 13 hearings where they relive the tragedy in 11 years!

But, the Caprio's are not alone. Benjamin Garriss was convicted of first degree murder committed at the age of 16.

On October 8, 1995, the Baltimore County Police were called to the Sheppard Pratt Hospital. At a small cottage on the hospital property they found a small fire that had been ignited

with a liquid accelerant. Throughout the cottage liquid chemicals led to a propane tank on the second floor with gas leaking out.

The body of Sharon Edwards, age 28 and the mother of a 7 year old, who was working her first overnight shift, was found in the cottage. Ms. Edwards was a care provider to five male juveniles. She has been slashed and stabbed 26 times by Garris.

Found in Garris' room was documentation about setting fires and documents on how to kill people. Garris confessed to the murder telling police that when Ms. Edwards pled for her life he responded, "You're dead. That's right and now you're nothing but a piece of meat." During the murder he mimicked the ultra-violent actions from his favorite movie, *A Clockwork Orange*. He was convicted and sentenced to life without parole.

Under these Bills, Garris will get at least three hearings to beg for mercy and release. Ms. Edwards' daughter, now 33, will have to face her mother's killer repeated times as he attempts to use the new law to get out of jail. All of this will be before a different Judge than the Judge who heard the evidence at trial. And, it is not just murder victim's families. Every juvenile convicted as an adult who has been in jail 20 years or more gets three hearings.

If this Bill is enacted it will be a continual assault and traumatization of their families. The families will be forced to come to court countless times decades after they thought their nightmare was over.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Shellenberger". The signature is fluid and cursive, with the first name "Scott" being more prominent and the last name "Shellenberger" following in a similar style.

Scott D. Shellenberger
State's Attorney

OFFICE OF THE STATE'S ATTORNEY

ANNE COLT LEITESS
State's Attorney



BRIAN A. MARSH
JESSICA DAIGLE
Deputy State's Attorneys

ANNE ARUNDEL COUNTY, MARYLAND

April 8, 2021

SENT VIA ELECTRONIC MAIL

The Honorable Lawrence J. Hogan, Jr.
c/o Kiefer J. Mitchell
Chief Legislative Officer
Legislative Office
State House, State Circle, Annapolis, MD 21401-1925

Re: **Senate Bill 494**

Dear Governor Hogan:

I urge you to veto **Senate Bill 494** which is now on your desk following its passing in the Maryland General Assembly. This bill permits 3 separate motions for modification of sentence for juveniles that were convicted as adults after serving 20 years for their crimes.

Needless to say, any juvenile convicted as an adult who is serving more than 20 years in prison has either committed first degree murder or first degree rape. Now, the surviving victims and the murdered victims' families will face three additional attempts to alter a sentence in addition to the appeals, post-conviction hearings and parole hearings that already exist to protect the rights of the accused. Victims will be forced to relive the trauma in the courtroom yet again and plead their case before a judge to leave in place a sentence they thought was long ago final. With the passing of such a long period of time after the crime, any hearing will likely be before a different judge and with a different prosecutor.

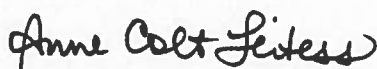
While rooted in a noble cause of giving juveniles a chance for redemption, **Senate Bill 494** ignores the fact that we already have a system in place which is tasked with assessing offenders' fitness for release back into society-the Maryland Parole Commission. There are guidelines and protocols in place that take into account rehabilitation, psychological fitness, public safety and other factors in making a parole recommendation. Victims have a right to be heard at these hearings either in person or by letter. The system is set up so that offenders are

treated equally throughout the State of Maryland. If improvements need to be made in the criminal justice system for juvenile offenders, it ought to be done there in a measured and even manner.

By giving such revisory power back to the courts long after their jurisdiction would have ended, offenders will likely have wildly uneven results in changing their sentences based upon the particular jurisdiction, assigned judge, current prosecutor and the political climate of the moment. A judge or prosecutor up for election could be influenced in how they handle a particular hearing with undue pressure to either fight for or against the release of a particular defendant. I believe it is inappropriate to permit the courts to have authority over cases that left the court system more than twenty years after the case has closed. The Maryland Parole Commission, free from political and public pressure, is a neutral body best suited to assess whether a release from commitment is appropriate, and then provide supervision and structure for that individual.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Anne Colt Leites". The signature is written in a cursive, flowing style.

Anne Colt Leites
State's Attorney
Anne Arundel County

Robert H. Harvey, Jr.
State's Attorney



James Zafiropulos
Deputy State's Attorney

Circuit Court Division: 175 Main Street • Courthouse • Prince Frederick, MD 20678
410-535-1600 ext. 2369 • 301-855-1243 • MD Relay: 1-800-735-2258 • www.calvertstatesattorney.com

April 8, 2021

The Honorable Lawrence J. Hogan
Governor
State House
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

As State's Attorney for Calvert County, I urge you to veto SB 494. Convicted offenders, regardless of their age when they commit the crime, already have numerous avenues to contest the verdicts and to attempt to ameliorate their sentences. They do not deserve another. These individuals are incarcerated for a reason. The reason is that they have committed horrible, violent, crimes. Some thought must be given to the victims and the victim's families. Legislation granting numerous opportunities for offenders to come back into court to seek a reduction in sentence places an intolerable burden on victims and their families.

Sincerely,

Robert H. Harvey, Jr.
State's Attorney

RHH/gw



THE OFFICE OF
● THE STATE'S ATTORNEY ●
FOR CAROLINE COUNTY

109 MARKET STREET, ROOM 208
DENTON, MD 21629
TELEPHONE: (410) 479-0255
FACSIMILE: (410) 479-4169

Joseph A. Riley
State's Attorney

Keiffer J. Mitchell, Jr.
Chief Legislative Officer
Office of the Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

RE: Senate Bill 494

Dear Mr. Mitchell:

I am writing in strong opposition to Senate Bill 494 and am asking the Governor to veto this bill.

Criminal law and practice in Maryland used to at least give the appearance that the system was victim-centric. Even the most sweeping reform of the 21st century, the Justice Reinvestment Act, was advocated for with a focus on crime victim. Do not use resources to incarcerate drug offenders or probation violators, it was argued, rather save these resources to use on violent criminal offenders. Policy from Governor Hogan's office as recently as 2019 was a push for "truth in sentencing." This was the idea that victims of crime should know up front when a sentence is handed down how long the person who harmed them would be out of our free society. While popular with the people, this policy never advanced out of the hearing stage in the Maryland General Assembly.

Under current sentencing review practices, a person serving a term of confinement, even for lengthy sentences, is eligible for parole. These considerations are heard before the Maryland Parole Commission, which determines eligibility on a case-by-case basis utilizing a variety of input and factors. SB 494 upends this process and permits a defendant to petition a court and bypass the Parole Commission, a panel of individuals specifically designated and trained to make these decisions, altogether. In fact, many of the factors the court considers under section (c)(1)-(11) are similar, if indeed not identical, to the factors considered by the Parole Commission. Advocates would argue that the systems are different in scope, and therefore ripe for reform, but ignore the reality that the end result for a defendant is the same and, as such, inadvertently create competing tandem systems. Such a reality is neither effective nor efficient and forces the State,

in varying capacities, to advocate on behalf of victims on multiple fronts.

Of great concern is that these cases may be heard by judges who did not preside over the original case and may not have even been in office at the time of the initial trial and sentencing. The original sentences were fashioned with great care and with input from trial testimony, victim input and advocacy from both sides of the table. The petitions envisioned by SB 494 are backwards looking and simply incapable of recreating the dynamic present during the original sentencing. These petitions generate situations whereby the reviewing judge is forced to "second guess" the reasoning of the original sentencing judge. Such a scenario serves to undermine discretion, which should remain squarely in the purview of each individual judge.

People who study the impact trauma has on a victim caution others on having a victim detail what occurred to them multiple times. Each time is a reopening of a wound. Those of us who work with victims after a sentence has been handed down tell the victims a honest truth. If you do not want the person who caused this harm to you to be released early then go to the parole hearings, the modification requests, and be heard. The impact on the decision maker hearing from the victim (or victim representative in the case of a murder or a crime against a child) is powerful. But it does come with a price to the victim's psyche. The Maryland General Assembly is proposing these changes without hearing from any professionals about the impact multiple hearings have on a victim. Such circumstances may produce inequitable results as the reviewing judge may grant the relief requested because, through no fault of the prosecution, victims are unable to participate.

Current procedures provide ample avenues for individuals to receive a reduced sentence or parole. The existing process has proper checks and balances and is effective. Should modifications prove necessary, they should be made within the confines of the prevailing system instead of involving a new process.

Finally, the prohibition on life without parole sentencing for offenders who were minors at the time of sentencing is contrary to the scope and purpose of discretionary sentencing practices. Life without parole is only reserved for first degree murder cases. These cases involve acts that involve malice and the most extreme violence envisioned in our criminal justice system. The elements also include planning and forethought, which means the individuals committing these offenses not only commit extreme acts of violence, but plan them as well. There needs to remain a sentence structure that best accounts for this type of behavior so that these offenders are held to the utmost accountability for their actions. The life without parole sentence is that option.

I again urge Governor Hogan to veto this legislation. Thank you.
Sincerely,

Joseph Riley
Caroline County State Attorney



Senate Bill 494

Brewer, Dean

Tue, Apr 6, 2021 at 10:53 AM

To: "

Governor Hogan-

I respectfully support and urge you to veto Senate Bill 494.

Thank you,

Dean A. Brewer

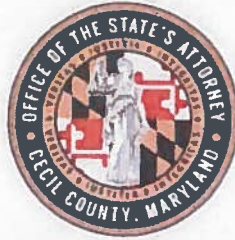
Chief Investigator

Carroll County State's Attorney's Office

55 N. Court Street, Suite 100

Westminster, Maryland 21157





OFFICE OF THE
STATE'S ATTORNEY
CECIL COUNTY, MARYLAND

JAMES A. DELLMYER

State's Attorney for Cecil County, Maryland

Circuit Courthouse • 129 East Main Street, Suite 300 • Elkton, Maryland 21921 • Office: 410-996-5335 • Fax: 410-392-7814

April 8, 2021

Keiffer J. Mitchell, Jr.
Chief Legislation Officer
Legislative Office
State House
State Circle
Annapolis, Maryland 21401-1925
Via Email Only to: keiffer.mitchell@maryland.gov

***RE: Senate Bill 494 / House Bill 409 – Juveniles Convicted as Adults – Sentencing –
Limitations and Reduction (Juvenile Restoration Act)***

Dear Mr. Mitchell:

The Office of the State's Attorney for Cecil County is adamantly against Senate Bill 494 and House Bill 409 as the legislation unnecessarily re-victimizes and re-traumatizes those directly affected by the actions of violent offenders.

This Office has first-hand experience with victims and their families in cases of violent crime. We have seen the toll the court process takes on each one of them time and again as they are required to re-live a traumatic event with every court hearing. This proposed legislation tramples on the rights of both victims and their representatives. The current system for juveniles convicted as adults works and does give defendants the chance to have their day in court. An overhaul of the current law serves only to hurt and unnecessarily punish victims and their families.

The legislation states that a judge may reduce the sentence of an inmate if the "[i]nterests of justice will be better served by a reduced sentence." Is justice for the victims and their families being "better served" if the inmates who made life-altering, violent actions are allowed to rejoin society? To still be incarcerated after a 20-year period, it is likely the inmate was convicted of a very serious crime against a person (murder, rape in the first degree, etc.) and that previous attempts to modify their sentence (motion for modification, three judge panel review, parole, etc.) have not been fruitful.

If the inmate is unsuccessful in having the sentence modified, the inmate may apply again in three years. If unsuccessful after the second attempt, the inmate may apply again after another three years. A total of three new hearings for which a victim of a violent crime must decide whether the trauma of sharing what occurred to them is worth the possibility that the person responsible for that trauma will stay incarcerated.

People who study the impact trauma has on a victim caution others on having a victim detail what occurred to them multiple times. Each time is a reopening of a wound. Those of us who work with victims after a sentence has been handed down tell the victims the honest truth. If you do not want the person who caused this harm to you to be released early, then go to the parole hearings, the modification requests, and be heard. The impact on the decision maker hearing from the victim (or victim representative in the case of a murder or a crime against a child) is powerful. But it does come with a price to the victim's psyche. The General Assembly is proposing these changes without hearing from any professionals about the impact multiple hearings have on a victim.

The rationale for allowing modifications to criminals under age 25 relies on the assertion that the brain does not fully develop until age 25. Considering all the rights and responsibilities we give 16-, 18- and 21-year-olds, I am not sure why in the case of murder you are not fully developed, and should not be held fully accountable, until 25.

On April 2, 2005, Ross Michael Jones, age 22, was murdered in his home by three young men who broke into the home to assault Jones.

Defendant	Age at the Time of the April 2, 2005 Murder	Number of Hearings
Jason Sweetman	17	8 hearings in 15 years
Brandon Sweetman	18	8 hearings in 12 years
Michael Risetto	19	6 hearings in 9 months

On November 4, 2009, four men invaded the McCoy family home in Chesapeake City, Maryland with the intent to rob them of their possessions. During the invasion, Terri Ann McCoy, age 40, was shot and killed.

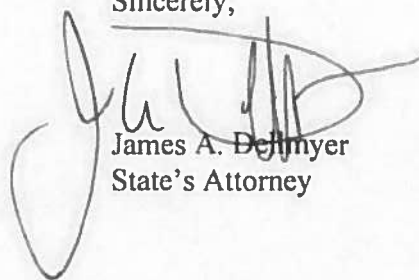
Defendant	Age at the Time of the November 4, 2009 Murder	Number of Hearings
Anthony Melchor	16	12 hearings in 9 years
Seth Jedlicka	16	12 hearings in 8 years 1 Post-Conviction hearing pending
Joel Milburn	19	8 hearings in 11 years 1 additional hearing pending
Karl Gladden-Postles	21	10 hearings in 8 months

Page 3, April 8, 2021
Letter re: Senate Bill 494

Under this new legislation, there are 2,795 inmates serving life sentences in Maryland who would get a hearing if they committed their crime before age 25 or are now 65. There are also 3,249 inmates serving 15 years or more who were 25 or younger at the time of their crimes. That means thousands of families will get a letter from the state to come to court again — repeatedly.

It is the hope of the Office of the State's Attorney for Cecil that Senate Bill 494 and House Bill 409 will be vetoed. We cannot allow this re-traumatizing of victims to happen.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Delany", is written over a horizontal line. The signature is stylized with a large loop on the left and a series of vertical strokes on the right.

James A. Delany
State's Attorney



OFFICE OF
THE STATE'S ATTORNEY
FOR DORCHESTER COUNTY

WILLIAM H. JONES
STATE'S ATTORNEY

MOLLY W. FOX
DEPUTY STATE'S ATTORNEY

April 7, 2021

The Honorable Lawrence J. Hogan, Jr.
State House
100 State Circle
Annapolis, Maryland 21401

Re: Senate Bill 494

Dear Governor Hogan:

I understand that Senate Bill 494 has passed and is now awaiting your signature. I ask that you consider a veto of that bill.

Victims of crime, and their families, are too often further victimized by the system put in place to protect them. A lack of finality in serious cases and violent crimes causes victims and their families to have to worry constantly about revised sentences. In many cases they have already endured the unimaginable, and this bill will serve to further traumatize people who, at the least, deserve finality. Otherwise, sentences imposed mean very little.

I thank you for your consideration.

Sincerely,

William H. Jones



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY FOR FREDERICK COUNTY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

April 8, 2021

Governor Larry Hogan

ATTN: keiffer.mitchell@maryland.gov
RE: Veto SB 494

Dear Governor Hogan,

On behalf of the Maryland State's Attorney's Association and my constituents in Frederick County, I **implore you veto Senate Bill 494 - Juvenile Restoration Act.**

Our current system and procedures provide sufficient opportunities for defendants to receive a reduced sentence or parole. The existing process has proper checks and balances and it is effective. **SB494 allows an identical and duplicative process that considers the same exact factors of parole eligibility.** It is inefficient, ineffective and shifts additional burden to victims of these defendants to advocate on multiple fronts.

SB494 allows defendants to "judge shop" by creating the opportunity to have their cases heard by a different judge that did not preside over the original case. Judges impose sentences thoughtfully with consideration of trial testimony and victim statements. SB494's backward looking petitions cannot properly appreciate all these factors and wholly undermines the sentencing judge's discretion.

Victims and their families are already robbed of finality and closure at the conclusion of sentencing. SB 494 continues this re-traumatization of the victims by creating an additional and unnecessary avenue of reconsideration. Furthermore, victims may often be unable to be located or may have passed. It would be a great injustice to grant these petitions when victims are unable to participate.

Lastly, the prohibition on life without parole sentencing for offenders who were minors at the time of sentencing is contrary to the scope and purpose of discretionary sentencing practices. **Life without parole is only reserved for first-degree murder cases. These cases involve the most extreme violence envisioned in our criminal justice system and further require elements of planning and forethought.** There needs to remain a sentence structure that allows these offenders to be held to the utmost accountability for their heinous actions.

Sincerely,


J. Charles "Charlie" Smith, III
State's Attorney



Lisa Thayer Welch
State's Attorney

State's Attorney for Garrett County

313 East Alder Street, Room 200
Oakland, Maryland 21550

Telephone
(301) 334-1974

Fax
(301) 334-5012

April 7, 2021

The Hon. Larry Hogan
Governor, State of Maryland
100 State Circle
Annapolis, MD 21401

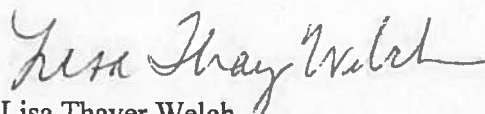
Re: SB 494

Dear Governor Hogan,

I am writing this letter to urgently request that you veto SB 494. In my 30+ years as a prosecutor, I have seen great strides in our protection of the rights of victims, allowing them, or their families, the opportunity to participate in the criminal justice process with the goals of justice and finality. This legislation will undo many of those efforts. It will repeatedly re-traumatize victims, their families and all of our communities as they repeatedly attend court hearings.

Please show that you stand with the rule of law and the rights of victims. Thank you.

Very truly,


Lisa Thayer Welch

OFFICE OF THE STATE'S ATTORNEY FOR HARFORD COUNTY

Albert J. Peisinger, Jr.
State's Attorney



20 W. Courtland Street
Bel Air, MD 21014

MiaBeth A. Marosy
Gavin Patashnick
Deputy State's Attorneys

(410) 638-3500
Fax (410) 838-2023
www.harfordcountystatesattorney.org

April 6, 2021

Keiffer J. Mitchell, Jr.
Chief Legislative Officer
Office of the Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

RE: Senate Bill 494

Dear Mr. Mitchell:

I am writing in strong opposition to Senate Bill 494 and am asking the Governor to veto this bill.

Under current sentencing review practices, a person serving a term of confinement, even for lengthy sentences, is eligible for parole. These considerations are heard before the Maryland Parole Commission, which determines eligibility on a case-by-case basis utilizing a variety of input and factors. SB 494 upends this process and permits a defendant to petition a court and bypass the Parole Commission, a panel of individuals specifically designated and trained to make these decisions, altogether. In fact, many of the factors the court considers under section (c)(1)-(11) are similar, if indeed not identical, to the factors considered by the Parole Commission. Advocates would argue that the systems are different in scope, and therefore ripe for reform, but ignore the reality that the end result for a defendant is the same and, as such, inadvertently create competing tandem systems. Such a reality is neither effective nor efficient and forces the State, in varying capacities, to advocate on behalf of victims on multiple fronts.

Of great concern is that these cases may be heard by judges who did not preside over the original case and may not have even been in office at the time of the initial trial and sentencing. The original sentences were fashioned with great care and with input from trial testimony, victim input and advocacy from both sides of the table. The petitions envisioned by SB 494 are backwards looking and simply incapable of recreating the dynamic present during the original sentencing. These petitions generate situations whereby the reviewing judge is forced to "second guess" the reasoning of the original sentencing judge. Such a scenario serves to undermine discretion, which should remain squarely in the purview of each individual judge.

Of greater concern is the continuing re-traumatization of the victims in each matter. Prosecutors and victims rely upon the concomitant belief inherent in the fairness of a sentence. Defendants are already entitled to numerous avenues of relief when reviewing cases for both legal and non-legal reasons. Victims and their families are oftentimes chained to this process, forced to navigate the peaks and valleys associated with yet another hearing for the individuals who upended their lives. This legislation would add another layer of anxiety and concern for victims and their families, which is just not warranted. Moreover, these amendments mandate victim contact, which many times is impossible given that victims pass or are simply unable to be located. Such

circumstances may produce inequitable results as the reviewing judge may grant the relief requested because, through no fault of the prosecution, victims are unable to participate.

Current procedures provide ample avenues for individuals to receive a reduced sentence or parole. The existing process has proper checks and balances and is effective. Should modifications prove necessary, they should be made within the confines of the prevailing system instead of involving a new process.

Finally, the prohibition on life without parole sentencing for offenders who were minors at the time of sentencing is contrary to the scope and purpose of discretionary sentencing practices. Life without parole is only reserved for first degree murder cases. These cases involve acts that involve malice and the most extreme violence envisioned in our criminal justice system. The elements also include planning and forethought, which means the individuals committing these offenses not only commit extreme acts of violence, but plan them as well. There needs to remain a sentence structure that best accounts for this type of behavior so that these offenders are held to the utmost accountability for their actions. The life without parole sentence is that option.

I again urge Governor Hogan to veto this legislation. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to be 'A. Peisinger, Jr.', with a stylized, flowing script.

Albert Peisinger, Jr.
State's Attorney for Harford County



STATE'S ATTORNEY
JOHN J. McCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

240-777-7300
FAX 240-777-7413
WWW.MONTGOMERYCOUNTYMD.GOV/SAO

DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

April 7, 2021

Mr. Keiffer Mitchell, Jr.
Chief Legislative Officer
State House
State Circle
Annapolis, MD 21401-1924

Dear Mr. Mitchell:

I am writing in reference to Senate Bill 494. I have reviewed the bill and in large measure have little disagreement with the majority of the bill.

I support allowing a sentencing judge to sentence a juvenile offender to less than the mandatory minimum sentence for a criminal offense. The reality is prosecutors already often work around the minimum mandatory by offering pleas to charges to avoid the mandatory minimum.

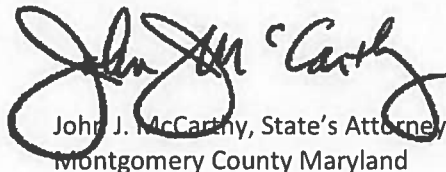
I support elimination of life without parole for a juvenile offender. In the 16 years I have been State's Attorney for Montgomery County I have never sought life without parole in a juvenile matter. Of course, Montgomery County has one individual of historical note serving life without parole – Lee Boyd Malvo. Mr. Malvo is one of the two DC snipers. His codefendant, John Mohamed was executed for his crimes in Virginia several years ago. Mr. Mohamed was in his 40's, Mr. Malvo was 16-17 during their deadly crime spree.

My reservation on SB-494 regards the final aspect of the bill. My reservations are twofold. First, I believe the period of time an individual serves before they become eligible for a hearing on a motion to reduce their sentence should be tiered. For a single victim 20 years served is appropriate but if the offender is a mass or serial killer like Mr. Malvo, those offenders should wait longer for their hearings on reductions of their sentences. Mr. Malvo had been convicted in Maryland of six murders. A seventh Montgomery County resident was killed by the snipers in Virginia. Every resident of Montgomery County was a victim of the sniper shootings. It would seem appropriate that some distinction be made for a single act versus a series of acts. A single murder and a series of killings should be treated differently.

Mr. Keiffer Mitchell, Jr.
Chief Legislative Officer
April 7, 2021
Page Two

Second, I support the *look back* aspect of the bill that would allow formal hearings on the juvenile offender's request for modification of sentence. However, I believe the structure of the bill that allows for three (3) hearings over a number of years is unduly cruel to the victim or surviving family members. Reconsiderations are fraught with tension, pain and heartache. Clearly the juvenile is entitled to a *look back* using the factors outlined by the drafters of this legislation. However, there must remain a balance between offender and victim rights. I fear the impact of successive hearings will have on survivors. Give the juvenile offender a *look back* but not at the risk of forgetting the pain successive hearings would reck on victims.

Respectfully submitted,



John J. McCarthy, State's Attorney
Montgomery County Maryland



RICHARD D. FRITZ

STATE'S ATTORNEY FOR SAINT MARY'S COUNTY

41605 COURT HOUSE DRIVE
POST OFFICE BOX 1755
LEONARDTOWN, MARYLAND 20650-1755
301-475-7844 EXT: 74500



CIRCUIT COURT DIVISION

Facsimile
301-475-4596

Email
richard.fritz@stmarysmd.com

Writer's Direct Dial
301-475-4200
X 4500

April 8, 2021

Keiffer Mitchell, Special Advisor
State of Maryland Executive Department
Governor's Legislative Office
State House
Annapolis, Maryland 21401

Re: Senate Bill 494

Dear Mr. Mitchell:

Please be advised that I have reviewed Senate Bill 494 and this office stands in opposition thereto. As you may well realize, any criminal defendant has a long list of collateral attacks upon a conviction and sentence. Each time such an attack upon a finding of guilt and sentence, a victim's family is retraumatized.

There is a time when the retraumatizing of a victim's family must stop. This bill does nothing for the victim or victim's family but to retraumatize them some twenty years after an event.

It is our opinion that a trial, appeal, three judge panel review of sentence, motion for reconsideration of sentence, appeals from post-conviction proceeding and motions to reopen post-conviction proceedings, and writs of actual innocence are sufficient, as stated in Solomon v. State, 101 Md.App. 331 (1994):

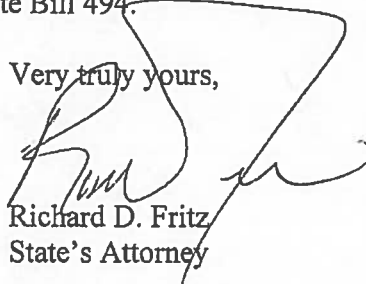
"Solicitude for a criminal defendant is appropriate to a point. A sane society, however, is not required to bankrupt itself in order to indulge one indicted for crime with every tactical edge he might desire. Whatever the issue, cost always matters."

If this bill is signed into law, the only "cost" is the trauma to be re-suffered some twenty years later by the victim or victim's family.

April 8, 2021
Re: Senate Bill 494
Page 2

To this end, this office opposes Senate Bill 494.

Very truly yours,

A handwritten signature in black ink, appearing to be "R. Fritz", written over the typed name and title.

Richard D. Fritz
State's Attorney

RDF/dew



STATE'S ATTORNEY FOR QUEEN ANNE'S COUNTY

LANCE G. RICHARDSON
STATE'S ATTORNEY

107 NORTH LIBERTY STREET
CENTREVILLE, MARYLAND 21617
TELEPHONE
410-758-2264

TTD:410-758-2126
FACSIMILE:410-758-4409

April 8, 2021

The Honorable Lawrence J. Hogan, Jr.
Office of the Governor
State House
Annapolis, Maryland 21401

Re: Veto of Senate Bill 494

Dear Governor Hogan:

I am writing this letter respectfully requesting that you veto Senate Bill 494. I do NOT believe that this bill supports the interest of justice

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Lance G. Richardson".

Lance G. Richardson
State's Attorney for
Queen Anne's County

**SB494**

Jamie Dykes
To: "kairr"

Wed, Apr 7, 2021 at 6:03 PM

Good evening,

Please note that the Office of The State's Attorney for Wicomico County supports Governor Hogan's veto of Senate Bill 494. The bill is not in the interest of public safety.

If you or the Governor desire additional information, please do not hesitate to contact me.

Jamie Dykes, State's Attorney

Office of the State's Attorney for Wicomico County

309 East Main Street

Salisbury, Maryland 21801

www.wicomicostatesattorney.com

